

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION III

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January 27, 2000

VIA FACSIMILE AND OVERNIGHT MAIL

Warren K. Rich, Esq.
Rich and Henderson, P.C.
Attorneys at Law
844 West Street
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Annapolis, Maryland 21404-0589

RE: 68th Street Dump Site

Dear Mr. Rich:

This letter is in response to your January 26, 2000 and January 27, 2000 correspondence. The Environmental Protection Agency proposed the above referenced Site for Listing on the National Priorities List (NPL) in January 1999. During the public comment period related to the proposed NPL listing, EPA received a number of comments concerning the proposed NPL listing. As a result of comments the EPA received during the public comment period, EPA is taking action to address the concerns raised regarding the proposed listing. Specifically, the Agency will gather additional data to further characterize releases of contamination to the environment and more clearly define potential contaminant sources at the Site.

To that end, EPA has requested access to the property owned by Pulaski and 68th Street, L.L.C. (Pulaski) for the purpose of conducting a Site visit the week of February 1, 2000. EPA also anticipates that it will need access to the Pulaski property for the purpose of collecting samples in or about March, 2000.

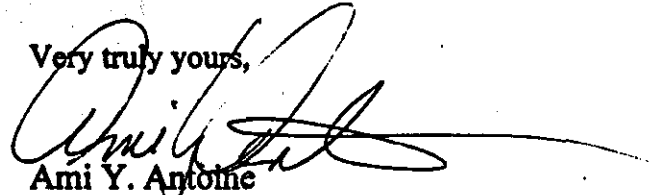
As you are aware, pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has authority to enter the Site and may seek access through a number of means including administrative and court orders. However, consent is the preferred means of gaining access for all activities at the Site because it is consistent with EPA's policy of seeking voluntary cooperation from responsible parties and the public. To date, consensual access to the property owned by Pulaski has been denied.

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Warren Rich, Esq.
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EPA believes that it is in the Agency's and your client's interest to resolve the issue related to access by mutual agreement. By this letter, EPA hereby gives notice as required by CERCLA of its intent to exercise its enforcement authorities to secure access, if necessary, pursuant to CERCLA § 104(e), 42 U.S.C. § 9604(e). Please indicate no later than January 28, 2000, whether access to the Pulaski property will be forthcoming.

Very truly yours,



Ami Y. Antoine
Senior Assistant Regional Counsel

cc: Jennifer Chan

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